



General Assembly

Substitute Bill No. 212

February Session, 2006

* SB00212ENV__040606__ *

AN ACT CONCERNING BIOMASS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (26) of subsection (a) of section 16-1 of the
2 2006 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2006*):

4 (26) "Class I renewable energy source" means (A) energy derived
5 from solar power, wind power, a fuel cell, methane gas from landfills,
6 ocean thermal power, wave or tidal power, low emission advanced
7 renewable energy conversion technologies, a run-of-the-river
8 hydropower facility provided such facility has a generating capacity of
9 not more than five megawatts, does not cause an appreciable change in
10 the river flow, and began operation after July 1, 2003, or a sustainable
11 biomass facility [, including, but not limited to, a biomass gasification
12 plant that utilizes land clearing debris, tree stumps or other biomass
13 that regenerates or the use of which will not result in a depletion of
14 resources, provided such biomass is cultivated and harvested in a
15 sustainable manner and the] with an average emission rate [for such
16 facility is] of equal to or less than .075 pounds of nitrogen oxides per
17 million BTU of heat input for the previous calendar quarter, except
18 that energy derived from a sustainable biomass facility with a capacity
19 of less than five hundred kilowatts that began construction before July
20 1, 2003, may be considered a Class I renewable energy source,

21 [provided such biomass is cultivated and harvested in a sustainable
22 manner,] or (B) any electrical generation, including distributed
23 generation, generated from a Class I renewable energy source.

24 Sec. 2. Subsection (a) of section 16-1 of the 2006 supplement to the
25 general statutes is amended by adding subdivision (45) as follows
26 (*Effective October 1, 2006*):

27 (NEW) (45) "Sustainable biomass" means biomass that is cultivated
28 and harvested in a sustainable manner. "Sustainable biomass" does not
29 mean construction or demolition wood, finished biomass products
30 from sawmills, paper mills or stud mills, organic refuse fuel derived
31 separately from municipal solid waste, or biomass from growth timber
32 stands, except where (A) such biomass is used in a facility that receives
33 funding from the Renewable Energy Investment Fund established
34 pursuant to section 16-245n of the 2006 supplement to the general
35 statutes, and (B) the energy derived from such biomass is subject to a
36 long-term power purchase contract pursuant to subdivision (2) of
37 subsection (j) of section 16-244c.

38 Sec. 3. Section 16-245a of the 2006 supplement to the general statutes
39 is repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2006*):

41 (a) [(1) On and after January 1, 2004, an electric supplier and an
42 electric distribution company providing transitional standard offer
43 pursuant to section 16-244c shall demonstrate to the satisfaction of the
44 Department of Public Utility Control that not less than one per cent of
45 the total output or services of such supplier or distribution company
46 shall be generated from Class I renewable energy sources and an
47 additional three per cent of the total output or services shall be from
48 Class I or Class II renewable energy sources. On and after January 1,
49 2005, not less than one and one-half per cent of the total output or
50 services of any such supplier or distribution company shall be
51 generated from Class I renewable energy sources and an additional
52 three per cent of the total output or services shall be from Class I or

53 Class II renewable energy sources.] On and after January 1, 2006, an
54 electric supplier and an electric distribution company providing
55 standard service or supplier of last resort service, pursuant to section
56 16-244c, as amended, shall demonstrate that not less than two per cent
57 of the total output or services of any such supplier or distribution
58 company shall be generated from Class I renewable energy sources
59 and an additional three per cent of the total output or services shall be
60 from Class I or Class II renewable energy sources. On and after
61 January 1, 2007, not less than three and one-half per cent of the total
62 output or services of any such supplier or distribution company shall
63 be generated from Class I renewable energy sources and an additional
64 three per cent of the total output or services shall be from Class I or
65 Class II renewable energy sources. On and after January 1 2008, not
66 less than five per cent of the total output or services of any such
67 supplier or distribution company shall be generated from Class I
68 renewable energy sources and an additional three per cent of the total
69 output or services shall be from Class I or Class II renewable energy
70 sources. On and after January 1, 2009, not less than six per cent of the
71 total output or services of any such supplier or distribution company
72 shall be generated from Class I renewable energy sources and an
73 additional three per cent of the total output or services shall be from
74 Class I or Class II renewable energy sources. On and after January 1,
75 2010, not less than seven per cent of the total output or services of any
76 such supplier or distribution company shall be generated from Class I
77 renewable energy sources and an additional three per cent of the total
78 output or services shall be from Class I or Class II renewable energy
79 sources.

80 [(2)] (b) An electric supplier or electric distribution company may
81 satisfy the requirements of [this subsection] subsection (a) of this
82 section by [(A)] (1) purchasing [Class I or Class II renewable energy
83 sources within the jurisdiction of the regional independent system
84 operator, or* within the jurisdiction of New York, Pennsylvania, New
85 Jersey, Maryland, and Delaware, provided the department determines
86 such states have a renewable portfolio standard that is comparable to

87 this section] electricity generated by a Class I or Class II renewable
88 energy source located within the jurisdiction of the regional
89 independent system operator, or (2) purchasing certificates issued by
90 the New England Power Pool generation information system, which
91 certificates are (A) for electricity produced by a generating unit (i)
92 using a Class I or Class II renewable energy source, and (ii) located
93 within the jurisdiction of the regional independent system operator, or
94 (B) for electricity imported into the regional independent system
95 operator control area pursuant to an external transaction for the output
96 of a particular renewable energy resource identified in the regional
97 system operator's market settlement system for purposes of the
98 generation information system, that reflects the attributes of the
99 renewable energy generating unit generating such electricity if (i) such
100 generating unit produces electricity using a Class I or Class II
101 renewable energy source; (ii) such electricity is imported from such
102 generating unit in an adjacent control area into the regional system
103 operator control area with transmission rights over the ties to the
104 regional system operator; (iii) such electricity is actually settled in the
105 market settlement system; (iv) the electric supplier or electric
106 distribution company importing such electricity has registered the
107 applicable generating unit in the generation information system; and
108 (v) such electric supplier or electric distribution company provides the
109 generation information system administrator with evidence, which has
110 been independently verified by the generation information system
111 administrator, that (I) the generating unit actually generated such
112 electricity, (II) there is a North American Electric Reliability Council
113 tag for such electricity, which tag meets the requirements of the
114 independent system rules for external transactions for electricity and
115 the requirements of the adjacent source system operator, and (III) the
116 seller of such electricity has certified that the specified attributes have
117 not been and will not be otherwise sold, retired, claimed, represented
118 as part of electricity sold elsewhere or used to satisfy obligations of
119 another system operator; or [(B)] (3) by participating in a renewable
120 energy trading program within said jurisdictions as approved by the
121 Department of Public Utility Control.

122 [(3)] (c) Any supplier who provides electric generation services
123 solely from a Class II renewable energy source shall not be required to
124 comply with the provisions of this section.

125 [(b)] (d) An electric supplier or an electric distribution company
126 shall base its demonstration of generation sources, as required under
127 subsection (a) of this section on historical data, which may consist of
128 data filed with the regional independent system operator.

129 [(c)] (e) (1) A supplier or an electric distribution company may make
130 up any deficiency within its renewable energy portfolio within the first
131 three months of the succeeding calendar year or as otherwise provided
132 by generation information system operating rules approved by New
133 England Power Pool or its successor to meet the generation source
134 requirements of subsection (a) of this section for the previous year.

135 (2) No such supplier or electric distribution company shall receive
136 credit for the current calendar year for generation from Class I or Class
137 II renewable energy sources pursuant to this section where such
138 supplier or distribution company receives credit for the preceding
139 calendar year pursuant to subdivision (1) of this subsection.

140 [(d)] (f) The department shall adopt regulations, in accordance with
141 the provisions of chapter 54, to implement the provisions of this
142 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	16-1(a)(26)
Sec. 2	October 1, 2006	16-1(a)
Sec. 3	October 1, 2006	16-245a

ET *Joint Favorable Subst.*

ENV *Joint Favorable*